

2009-02-12-0106

AN ORDINANCE

AUTHORIZING THE AMENDMENT OF THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH CLARK CONSTRUCTION GROUP LLC/THOS. BYRNE, A JOINT VENTURE TO ADD CONSTRUCTION SERVICES IN THE AMOUNT OF \$66,600,777.00 AND APPROVE REALLOCATION OF CONTINGENCY; ACCEPTING THE GUARANTEED MAXIMUM PRICE PROPOSAL FOR THE TERMINAL B BUILDING PACKAGE; AND APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$6,052,369.00 FOR A TEMPORARY BAGGAGE HANDLING SYSTEM AT SAN ANTONIO INTERNATIONAL AIRPORT.

* * * * *

WHEREAS, on May 2007, the City entered into a construction manager at risk contract ("CM@Risk Contract") with Clark Construction Group LLC/Thos. Byrne, a Joint Venture, ("Clark/Byrne") with estimated construction costs up to \$200 million based on the 2006 budget as authorized by Ordinance No. 2007-06-21-0697; and

WHEREAS, under the terms of the CM@Risk Contract, construction services are compensated through the acceptance of Guaranteed Maximum Price ("GMP") Proposals; and

WHEREAS, the City Council authorized GMP Amendment No. 1 by Ordinance No. 2008-06-05-0468, GMP Amendment No. 2 by Ordinance No. 2008-06-05-0470, GMP Amendment No. 3 by Ordinance No. 2008-06-05-0471, GMP Amendment No. 4 by Ordinance No. 2008-06-19-0553 and GMP Amendment No. 5 by Ordinance No. 2008-12-04-1083; and

WHEREAS, after soliciting proposals in accordance with the terms of the CM@Risk Contract, Clark/Byrne has submitted a GMP Proposal for the Terminal B Building Package in the amount of \$66,600,777.00, Attachment I hereto, to include Mechanical, Electrical and Plumbing and Information Technology systems, building envelope and building finishes; and

WHEREAS, Change Order No. 1 in the amount of \$6,052,369.00 is required for a temporary baggage handling system to allow continuous airport baggage handling operations during the construction of the new terminal 1 Consolidated Baggage Facility; and

WHEREAS, previous GMP packages have been approved and appropriated including contingency funding for each, there is a need to be able to reallocate unspent previously appropriated contingencies to other projects included in the CM@Risk Contract; and

WHEREAS, there is a desire on the part of the City for previously appropriated contractor contingency associated with a particular GMP to be reallocated to owner contingency upon the completion of that GMP; and

WHEREAS, it is now necessary to accept the COI GMP Proposals submitted by Clark/Byrne, authorize the GMP Amendment, to include contingency reallocation, to the CM@Risk Contract, appropriated funds and authorize payment; **NOW THEREFORE**:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Guaranteed Maximum Price Proposal submitted by Clark/Byrne for work associated with Terminal B of San Antonio International Airport is hereby accepted: \$66,600,777.00 for the Terminal B Building Package.

SECTION 2. The City Manager or her designee is authorized to execute the an amendment to the CM@Risk Contract in a form substantially similar to the document attached hereto as Attachment II in the amount of \$66,600,777.00 for 1) the Terminal B Building Package to include Mechanical, Electrical and Plumbing and Information Technology systems, building envelope and building finishes, and 2) the reallocation of contingencies among projects included in the CM@Risk Contract.

SECTION 3. The City Manager or her designee is authorized to execute Change Order No. 1 to the CM@Risk Contract, attached hereto as Attachment III, in the amount of \$6,052,369.00 for a temporary baggage handling at the San Antonio International Airport. All previous actions by the Aviation Department to carry out the intent of Change Orders No. 35 and 36 are hereby approved.

SECTION 4. The budget in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00151, NTE - Project 4 - Terminal B, shall be revised by decreasing SAP WBS Element 33-00151-05-02-01 entitled Site/Piers - Pkg # 4.1.1, SAP GL account 5201140, by the amount of \$93,043,043.00.

SECTION 5. The budget in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00151, NTE - Project 4 - Terminal B, shall be revised by increasing SAP WBS Element 33-00151-05-02-02-01 entitled Building Package #4.1.5, 6, 7, SAP GL Account 5201140, by the amount of \$93,043,043.00.

SECTION 6. The budget in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00152, NTE-Project 12-Terminal 1 Modifications, shall be revised by decreasing SAP WBS Element 33-00152-05-02-01 entitled CMR Pre-Const Inline BHS, SAP GL account 5201140, by the amount of \$14,266,000.00.

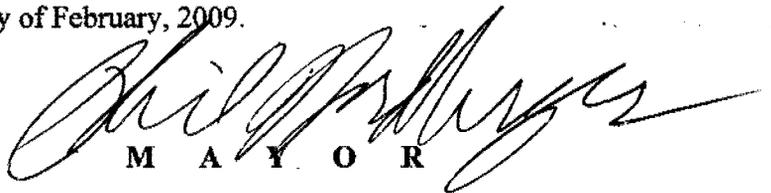
SECTION 7. The budget in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00152, NTE-Project 12-Terminal 1 Modifications, shall be revised by increasing SAP WBS Element 33-00151-05-02-02 entitled CMR - Inline BHS GMP, SAP GL Account 5201140, by the amount of \$14,266,000.00.

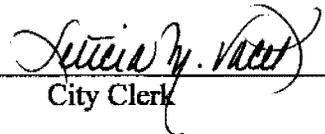
SECTION 8. A Contract has been awarded to Clark/Byrne in the amount of \$6,052,369.00 from previously appropriated funds in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00152, NTE-Project 12-Terminal 1 Modifications, and is authorized to be encumbered and made payable to Clark/Byrne.

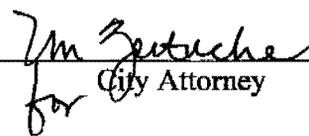
SECTION 9. Financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 10. This Ordinance shall take effect immediately upon passage by eight (8) affirmative votes; otherwise it shall be effective ten (10) days after its passage.

PASSED AND APPROVED this 12th day of February, 2009.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

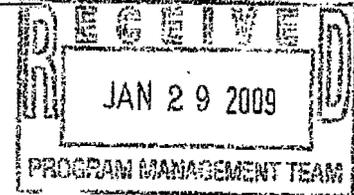
ATTACHMENT I



CM at Risk Project for the Terminal Expansion Program
 San Antonio International Airport – San Antonio, Texas
 GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL
 Project 4 -Terminal B
 Submitted 01/28/09

GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL

Project: Terminal B
Package: 5, 6 & 7 – Building Package
Date: January 28, 2009



Clark/Byrne, A Joint Venture ("Construction Manager") hereby submits to the City of San Antonio Aviation Department ("City") pursuant to the provisions of Article 2.3.4 of the Construction Management At-Risk Agreement ("Agreement") by and between City and Construction Manager dated July 16, 2007, a Guaranteed Maximum Price ("GMP") for the Terminal B Project ("Project") or portion of the Project as described above, as follows:

1. The Guaranteed Maximum Price for the Terminal B Building Package is **\$ 66,600,777.00**. See *Exhibit D* for a detailed breakdown of the GMP.
2. This GMP is submitted in accordance with the terms and conditions as outlined in the Agreement and City's instructions requiring establishment of the GMP based on confirmed sub bids following the City procurement guidelines and instructions.
3. The GMP Proposal is good for ninety (90) days from the date of submission.
4. The Date of Substantial Completion for this Package is **591** Days from Notice to Proceed. Time for performance is outlined in *Exhibit F* – Project Schedule. This schedule shows the expected Notice to Proceed and the date of Substantial Completion for this Project or portion of the Project as described above, to which the prescribed Liquidated Damages shall apply.

NO	Milestone Description & Requirements	Calendar Days from NTP	Liquidated Damages Per Day
1	Terminal B – Site/Pier Package Substantial Completion	224	\$750.00
2	Terminal B – Concrete Package Substantial Completion: Areas A & B	344	\$750.00
3	Terminal B – Concrete Package Substantial Completion: Areas C & D	434	\$750.00
4	Terminal B – Structural Steel Package Substantial Completion: Areas A & B	550	\$750.00
5	Terminal B – Structural Steel Package Substantial Completion: Areas C & D	550	\$750.00
6	Terminal B – Building Package Substantial Completion (Terminal B Substantial Completion)	591	\$3,000.00
6.1	Terminal B – Building Package Substantial Completion Liquidated Damages Increase; to be cumulative with liquidated damages in No. 6.	621	\$2,000.00
6.2	Complete Concession & Airline Tenant Shell Spaces Note 1: Complete 90 days prior to Terminal B Substantial Completion (Except Area-A Departures Level Concessions Café/Coffee Bar space to be complete 45 days prior to Terminal B Substantial Completion)	See Note 1	\$1,250.00



CM at Risk Project for the Terminal Expansion Program
 San Antonio International Airport – San Antonio, Texas
 GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL
 Project 4 -Terminal B
 Submitted 01/28/09

5. The Drawings and Specifications upon which the GMP is based are set forth in *Exhibit A*. These Drawings and Specifications are hereby incorporated into the Contract Documents referenced in the Agreement.
6. The trade specific scopes for which this GMP is based are included as *Exhibit B*.
7. The Subcontractors proposed in this GMP have been approved by the City, see *Exhibit I*, and are as follows:

a. Package 5 – MEP & IT Systems

Trade Specific Scope	Selected Subcontractor
Bid Item A – Mechanical/Plumbing	Brandt Engineering
Bid Item B – Fire Protection	Casteel Fire Protection
Bid Item C – Electrical	M.C. Dean Inc.
Bid Item D – Telecom/Data	Fisk Technologies
Bid Item E – Security	Fisk Technologies
Bid Item F – Audio/Visual	Fisk Technologies
Bid Item G – Test and Balance	Brandt Engineering

b. Package 6 – Building Envelope

Trade Specific Scope	Selected Subcontractor
Bid Item A – Apron Paving	Robles Contracting
Bid Item B – Masonry	Shadrock and Williams
Bid Item C – Exterior Stone Veneer	Delta Tile & Granite
Bid Item D – Misc. Metals	Patriot Erectors
Bid Item E – Above Grade Waterproofing	Alpha Insulation & Waterproofing
Bid Item F – Roofing	Texas 5 th Wall
Bid Item G – Fireproofing	Alpha Insulation & Waterproofing
Bid Item H – Fire & Acoustical Sealants	Alpha Insulation & Waterproofing
Bid Item I – Exterior Metal Panels	Byrne Metals



CM at Risk Project for the Terminal Expansion Program
 San Antonio International Airport – San Antonio, Texas
 GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL
 Project 4 -Terminal B
 Submitted 01/28/09

Bid Item J – Glass & Glazing	Win-Con Enterprises
Bid Item K – Terminal 1 Demolition	Robles Service Group
Bid Item L – Terminal 1 Concrete	Robles Service Group

c. Package 7 – Building Finishes

Trade Specific Scope	Selected Subcontractor
Bid Item A – Ornamental Metals	Environmental Interiors
Bid Item B – Millwork	Environmental Interiors
Bid Item C – Doors/Frames/Hardware	Architectural Division 8
Bid Item D – Overhead Coiling Doors	Alamo Door Systems
Bid Item E – Drywall	Starcraft Drywall
Bid Item F – Tile	Grazzini Brothers & Co.
Bid Item G – Terrazzo	Grazzini Brothers & Co.
Bid Item H – Special Ceilings	Environmental Interiors
Bid Item I – Carpet & Resilient	Carpet Management
Bid Item J – Painting	General Coatings
Bid Item K – Specialties	Environmental Interiors
Bid Item L – Identification Devices	Intex United
Bid Item M – Final Clean	Jewel's Commercial Cleaning

8. The clarifications, assumptions, and exclusions made by Construction Manager, are outlined in *Exhibit C*.
9. Alternates included in the GMP are detailed on *Exhibit D*.
10. Unit Prices are included with *Exhibit D*.
11. The RFIs excluded from this GMP are located in *Exhibit H*.
12. Construction Manager's Construction Contingency included in this GMP is \$1,715,842.00. The City's Owner Controlled Contingency included in this GMP is \$2,841,583.00. Any portion of the above listed contingencies not used will be returned to the City including applicable Insurances, Bonds and Fee.



CM at Risk Project for the Terminal Expansion Program
San Antonio International Airport – San Antonio, Texas
GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL
Project 4 -Terminal B
Submitted 01/28/09

- 13. Cash Allowances included in the GMP: *Not applicable to this GMP.*
- 14. The Construction Manager submits with this GMP its projected SMWBE participation as prescribed in *Exhibit E* for the Project or portion of the Project as described above.
- 15. The wage scale used for this Guaranteed Maximum Price is outlined in Contract Document Section 00600 – Wage Scale and included as *Exhibit G*.
- 16. With this GMP, the Construction Manager will implement a Contractor Controlled Insurance Program (CCIP) for the entire CM@Risk Project for the Airport Expansion Program at the San Antonio International Airport. With the City's acceptance of this GMP, the Owner approves the Construction Manager's implementation of the CCIP. The Construction Manager's CCIP will meet all insurance requirements set forth in the Agreement.
- 17. In accordance with the Agreement, as part of this GMP, Construction Manager and City agree that the Construction Manager's General Condition Costs for the Project is a lump sum cost of \$9,484,852.00, inclusive of Insurances and Bonds. The Construction Manager's General Condition Costs are included for the duration as shown in the Project Schedule.
- 18. In accordance with the Agreement, as part of this GMP, Construction Manager and City agree that the Construction Manager's Fee, is established by the Reconciled Estimate per the Agreement, and is a fixed amount of \$2,511,526.00 for this Project.
- 19. Except as set forth in this GMP Proposal, all other provisions in the Agreement remain unchanged.

CITY OF SAN ANTONIO
AVIATION DEPARTMENT:

By _____
Its _____

Date of Signing: _____

CONSTRUCTION MANAGER:

By AUSTIN G. DESKO FOR JAMES ANSARI
Its PROJECT EXECUTIVE Sr. VICE PRESIDENT

Date of Signing: 1/29/09

ATTACHMENT II

**GMP AMENDMENT NO. 6 TO
CONSTRUCTION MANAGEMENT-AT-RISK AGREEMENT**

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This GMP Amendment No. 6 to the Construction Management-at-Risk Agreement is entered into by and between the City of San Antonio, a Texas Municipal Corporation ("City") acting by and through its City Manager, and Clark Construction Group, LLC/Thos. Byrne, a Joint Venture("CM@Risk"), both of which may be referred to herein collectively as the "Parties".

WHEREAS, on May 2007, the City entered into a Construction Management at Risk Agreement with Clark Construction Group LLC/Thos. Byrne, a Joint Venture, ("Clark/Byrne") with estimated construction costs up to \$200 million based on the 2006 budget as authorized by Ordinance No. 2007-06-21-0697 ("Original Agreement"); and

WHEREAS, on or about May 16, 2008, the Parties executed a Supplemental Agreement No. 1 clarifying certain language in the Original Agreement; and

WHEREAS, the City Council authorized GMP Amendment No. 1 by Ordinance No. 2008-06-05-0468, GMP Amendment No. 2 by Ordinance No. 2008-06-05-0470, GMP Amendment No. 3 by Ordinance No. 2008-06-05-0471, GMP Amendment No. 4 by Ordinance No. 2008-06-19-0553, and GMP Amendment No. 5 by Ordinance No. 2008-12-04-1083; and

WHEREAS, after the City solicited proposals, the CM@Risk submitted its Guaranteed Maximum Price ("GMP") Proposal for the Terminal B Building Package to include Mechanical, Electrical and Plumbing and Information Technology systems, building envelope and building at San Antonio International Airport, attached to this Amendment No. 6 as Exhibit I; and

WHEREAS, previous GMP packages have been approved and appropriated including contingency funding for each, the Parties desire to be able to reallocate unspent previously appropriated contingencies to other projects included in the CM@R Contract

WHEREAS, on February 12, 2009 by Ordinance No. _____, the City accepted the aforementioned GMP proposal in an amount not to exceed \$66,600,777.00 and appropriated funds for these projects,

NOW THEREFORE, in consideration of the terms, covenants, agreements and demises herein contained, and in consideration of other good and valuable consideration, each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Original Agreement (to include Supplemental Agreement No. 1, GMP Amendment No. 1, GMP Amendment No. 2, GMP Amendment No. 3, GMP Amendment No. 4, and GMP Amendment No. 5) by and between the Parties is further amended as follows:

1. The Original Agreement is hereby amended to include all of the services described in the GMP Proposal attached hereto as an exhibit and incorporated herein for all purposes. The CM@Risk agrees to perform all work required by the attached GMP Proposal for the guaranteed maximum price, not to exceed \$66,600,777.00, authorized by the San Antonio City Council in Ordinance No. _____. It is agreed and understood that this amount will constitute full compensation to CM@Risk for the work described in the GMP Proposals which are exhibits hereto.

Exhibit I Terminal B - Building Package

2. Article 2, Section 2.3.2.2 of the Original Agreement is hereby amended by inserting the following sentence directly after the second sentence:

“Owner Controlled Contingency is the combined total of all Owner Controlled Contingency funds appropriated by City Council through individual GMP Amendments pursuant to this Agreement. Any CM@R Construction Contingency funds that have been appropriated for an Individual Project or GMP but have not been fully expended at the time that Final Payment is issued for such Individual Project or GMP shall revert to and become part of Owner Controlled Contingency. Owner Controlled Contingency funds may be allocated as directed by the Aviation Director, with City Council approval if required, among any Individual Projects included in the Program pursuant to this Agreement in accordance with the terms and procedures set out in the Agreement and any applicable local, state or federal laws, statutes or regulations. ”

3. This GMP Amendment No. 6 shall be effective as of the date the San Antonio City Council passes an ordinance approving the GMP proposal attached hereto as Exhibit I.

Except as amended hereby, all other provisions of the Original Agreement are hereby retained in their entirety and remain unchanged.

EXECUTED and AGREED to this the _____ day of _____, 2009.

CITY OF SAN ANTONIO

**CM@RISK:
Clark Construction Group, LLC/Thos. Byrne, a
Joint Venture**

Sheryl Sculley,
City Manager

By:

Print Name

Title

Attest:

Approved as to form:

City Clerk

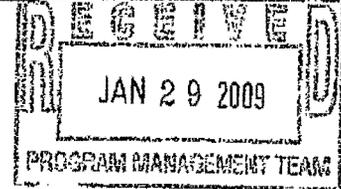
City Attorney

EXHIBIT 1



CM at Risk Project for the Terminal Expansion Program
 San Antonio International Airport – San Antonio, Texas
 GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL
 Project 4 -Terminal B
 Submitted 01/28/09

GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL



Project: Terminal B
Package: 5, 6 & 7 – Building Package
Date: January 28, 2009

Clark/Byrne, A Joint Venture ("Construction Manager") hereby submits to the City of San Antonio Aviation Department ("City") pursuant to the provisions of Article 2.3.4 of the Construction Management At-Risk Agreement ("Agreement") by and between City and Construction Manager dated July 16, 2007, a Guaranteed Maximum Price ("GMP") for the Terminal B Project ("Project") or portion of the Project as described above, as follows:

1. The Guaranteed Maximum Price for the Terminal B Building Package is **\$ 66,600,777.00**. See *Exhibit D* for a detailed breakdown of the GMP.
2. This GMP is submitted in accordance with the terms and conditions as outlined in the Agreement and City's instructions requiring establishment of the GMP based on confirmed sub bids following the City procurement guidelines and instructions.
3. The GMP Proposal is good for ninety (90) days from the date of submission.
4. The Date of Substantial Completion for this Package is **591 Days** from Notice to Proceed. Time for performance is outlined in *Exhibit F – Project Schedule*. This schedule shows the expected Notice to Proceed and the date of Substantial Completion for this Project or portion of the Project as described above, to which the prescribed Liquidated Damages shall apply.

NO	Milestone Description & Requirements	Calendar Days from NTP	Liquidated Damages Per Day
1	Terminal B – Site/Pier Package Substantial Completion	224	\$750.00
2	Terminal B – Concrete Package Substantial Completion: Areas A & B	344	\$750.00
3	Terminal B – Concrete Package Substantial Completion: Areas C & D	434	\$750.00
4	Terminal B – Structural Steel Package Substantial Completion: Areas A & B	550	\$750.00
5	Terminal B – Structural Steel Package Substantial Completion: Areas C & D	550	\$750.00
6	Terminal B – Building Package Substantial Completion (Terminal B Substantial Completion)	591	\$3,000.00
6.1	Terminal B – Building Package Substantial Completion Liquidated Damages Increase; to be cumulative with liquidated damages in No. 6.	621	\$2,000.00
6.2	Complete Concession & Airline Tenant Shell Spaces Note 1: Complete 90 days prior to Terminal B Substantial Completion (Except Area-A Departures Level Concessions Café/Coffee Bar space to be complete 45 days prior to Terminal B Substantial Completion)	See Note 1	\$1,250.00



CM at Risk Project for the Terminal Expansion Program
 San Antonio International Airport – San Antonio, Texas
 GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL
 Project 4 -Terminal B
 Submitted 01/28/09

5. The Drawings and Specifications upon which the GMP is based are set forth in *Exhibit A*. These Drawings and Specifications are hereby incorporated into the Contract Documents referenced in the Agreement.
6. The trade specific scopes for which this GMP is based are included as *Exhibit B*.
7. The Subcontractors proposed in this GMP have been approved by the City, see *Exhibit I*, and are as follows:

a. Package 5 – MEP & IT Systems

Trade Specific Scope	Selected Subcontractor
Bid Item A – Mechanical/Plumbing	Brandt Engineering
Bid Item B – Fire Protection	Casteel Fire Protection
Bid Item C – Electrical	M.C. Dean Inc.
Bid Item D – Telecom/Data	Fisk Technologies
Bid Item E – Security	Fisk Technologies
Bid Item F – Audio/Visual	Fisk Technologies
Bid Item G – Test and Balance	Brandt Engineering

b. Package 6 – Building Envelope

Trade Specific Scope	Selected Subcontractor
Bid Item A – Apron Paving	Robles Contracting
Bid Item B – Masonry	Shadrock and Williams
Bid Item C – Exterior Stone Veneer	Delta Tile & Granite
Bid Item D – Misc. Metals	Patriot Erectors
Bid Item E – Above Grade Waterproofing	Alpha Insulation & Waterproofing
Bid Item F – Roofing	Texas 5 th Wall
Bid Item G – Fireproofing	Alpha Insulation & Waterproofing
Bid Item H – Fire & Acoustical Sealants	Alpha Insulation & Waterproofing
Bid Item I – Exterior Metal Panels	Byrne Metals



CM at Risk Project for the Terminal Expansion Program
 San Antonio International Airport – San Antonio, Texas
 GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL
 Project 4 -Terminal B
 Submitted 01/28/09

Bid Item J – Glass & Glazing	Win-Con Enterprises
Bid Item K – Terminal 1 Demolition	Robles Service Group
Bid Item L – Terminal 1 Concrete	Robles Service Group

c. Package 7 – Building Finishes

Trade Specific Scope	Selected Subcontractor
Bid Item A – Ornamental Metals	Environmental Interiors
Bid Item B – Millwork	Environmental Interiors
Bid Item C – Doors/Frames/Hardware	Architectural Division 8
Bid Item D – Overhead Coiling Doors	Alamo Door Systems
Bid Item E – Drywall	Starcraft Drywall
Bid Item F – Tile	Grazzini Brothers & Co.
Bid Item G – Terrazzo	Grazzini Brothers & Co.
Bid Item H – Special Ceilings	Environmental Interiors
Bid Item I – Carpet & Resilient	Carpet Management
Bid Item J – Painting	General Coatings
Bid Item K – Specialties	Environmental Interiors
Bid Item L – Identification Devices	Intex United
Bid Item M – Final Clean	Jewel's Commercial Cleaning

8. The clarifications, assumptions, and exclusions made by Construction Manager, are outlined in *Exhibit C*.
9. Alternates included in the GMP are detailed on *Exhibit D*.
10. Unit Prices are included with *Exhibit D*.
11. The RFIs excluded from this GMP are located in *Exhibit H*.
12. Construction Manager's Construction Contingency included in this GMP is **\$1,715,842.00**. The City's Owner Controlled Contingency included in this GMP is **\$2,841,583.00**. Any portion of the above listed contingencies not used will be returned to the City including applicable Insurances, Bonds and Fee.



CM at Risk Project for the Terminal Expansion Program
San Antonio International Airport – San Antonio, Texas
GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL
Project 4 -Terminal B
Submitted 01/28/09

- 13. Cash Allowances included in the GMP: *Not applicable to this GMP.*
- 14. The Construction Manager submits with this GMP its projected SMWBE participation as prescribed in *Exhibit E* for the Project or portion of the Project as described above.
- 15. The wage scale used for this Guaranteed Maximum Price is outlined in Contract Document Section 00600 – Wage Scale and included as *Exhibit G*.
- 16. With this GMP, the Construction Manager will implement a Contractor Controlled Insurance Program (CCIP) for the entire CM@Risk Project for the Airport Expansion Program at the San Antonio International Airport. With the City's acceptance of this GMP, the Owner approves the Construction Manager's implementation of the CCIP. The Construction Manager's CCIP will meet all insurance requirements set forth in the Agreement.
- 17. In accordance with the Agreement, as part of this GMP, Construction Manager and City agree that the Construction Manager's General Condition Costs for the Project is a lump sum cost of \$9,484,852.00, inclusive of Insurances and Bonds. The Construction Manager's General Condition Costs are included for the duration as shown in the Project Schedule.
- 18. In accordance with the Agreement, as part of this GMP, Construction Manager and City agree that the Construction Manager's Fee, is established by the Reconciled Estimate per the Agreement, and is a fixed amount of \$2,511,526.00 for this Project.
- 19. Except as set forth in this GMP Proposal, all other provisions in the Agreement remain unchanged.

CITY OF SAN ANTONIO
AVIATION DEPARTMENT:

By _____
Its _____

Date of Signing: _____

CONSTRUCTION MANAGER:

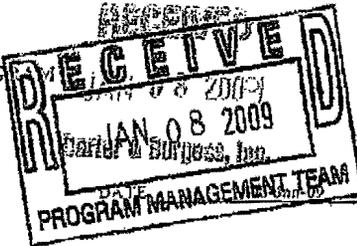
By CHRISTIAN G. DESKO FOR JAMES ANSARI
Its PROJECT EXECUTIVE SR. VICE PRESIDENT

Date of Signing: 1/29/09

ATTACHMENT III

CHANGE ORDER PROPOSAL
SAN ANTONIO AIRPORT TERMINAL EXPANSION PROJECT

CLARK/BYRNE, A JOINT VENTURE
 1303 NORTH TERMINAL, SAN ANTONIO, TX 78216
 Tel: 210.319.2100 Fax: 210.832.0038



City of San Antonio - Airport System
 9800 Airport Blvd., Terminal I Mezzanine Level
 San Antonio, TX 78216
 Attn. Ms. Frances Sherertz

CHANGE
 TYPE
 Owner

MODIFICATION PROPOSAL

Clark/Byrne Job No. 112872 Project Title: SAIA Terminal I Inbound Bag. Sys.

Clark/Byrne CE No. 810003 Owner Ref. No. _____

Modification Desc: Terminal I Temporary Baggage Handling System

Modification Scope: Provide a temporary baggage handling system to allow current airport operations to be maintained during the construction of the new Terminal I/B Consolidated Baggage Facility. Work will include the permanent change out of the ticket counter belts in Terminal I and associated electrical work. New conveyors will be installed to carry baggage to two new carousels to allow distribution out to the planes. Miscellaneous concrete and structural steel supports and canopies are included to address this system. The area above the exterior carousel will be required to have fire protection added and have modifications made to the roof drains.

See attached Clarifications, Assumptions and Exclusions.

SUMMARY OF PROPOSAL

1 . Construction Manager:	CLARK/BYRNE, A JOINT VENTURE	GENERAL CONDITIONS	\$944,449
1 . Construction Manager:	CLARK/BYRNE, A JOINT VENTURE	SELF PERFORM	\$17,993
2 . Subcontractor #1	Jervis B. Webb	Temp Bag System	\$3,907,781
. Subcontractor #2	Fisk Electric	Electrical Connections to Building	\$39,945
. Subcontractor #3	Brandt Engineering	Plumbing and Fire Protection	\$89,304
5 . Subcontractor #4	Patriot Erectors	Steel Supports and Canopy	\$74,864
6 . Subcontractor #5	Urban Concrete	Concrete Pails for Carousel	\$36,126
7 . Allowance	BHS Operation & Maintenance from startup of first unit to 30 days from Substantial Completion		NIC
8 . Allowance	BHS Spare Parts		\$30,000
9 . Allowance	Finish Allowance for carpet at ticketing, ceiling tile at new carousel, mobile control room		\$75,000
10 . Owner's Contingency			\$262,273
11 . Contractor's Contingency			\$262,273
12 . Sub-Total of Subcontractor Work			\$4,807,567
13 . Total Cost			\$5,770,009
14 . CCIP Insurance		2.455%	\$141,700
15 . GL Insurance		0.170%	\$9,809
16 . Builder's Risk Insurance		0.360%	\$20,772
17 . Subtotal			\$5,942,290
18 . Bond		0.921%	\$54,740
19 . Subtotal			\$5,997,030
20 . Construction Manager's Fee		3.000%	\$179,911
21 . Total Cost Estimate			\$6,176,941

22 . The contract time will:

___ REMAIN UNCHANGED

___ INCREASE BY _____ DAYS

___ DECREASE BY _____ DAYS

SEE ATTACHED SCHEDULE FOR CONTRACT TIME ASSOCIATED WITH THIS WORK

24 . Contingency Expenditure

OWNER'S CONTINGENCY (\$49,808)

CONTRACTOR'S CONTINGENCY (\$74,764)

22 . The Grand Total for this Proposal is: \$6,052,369

CONSTRUCTION MANAGER'S CERTIFICATION

This proposal is made in good faith, and
 The supporting data is current, accurate and complete to the best of my knowledge and belief, and
 The amount requested accurately reflects a reasonable contract adjustment to which we believe we are entitled.

BY: Christin G. Desko, Project Executive

DATE:

This proposal has been reviewed and verified for reasonable quantity take-offs and unit prices.
 A Construction Manager's Independent Estimate has been performed for this Change for further verification.

<i>Bob Aniol</i>	1/8/09
BY: Bob Aniol, Sr. Project Manager	DATE:

BY: Chuck Daniel, Sr. Estimator	DATE:
---------------------------------	-------

AMOUNT APPROVED: <i>Michael J. Lawless</i>	1/27/09
BY:	DATE:

CONSTRUCTION MANAGER'S SELF-PERFORM WORK

1. Labor (Including fringes and taxes)	\$0.00
2. Material (Including sales tax on Incidental/Unincorporated Material)	\$0.00
3. Equipment (Including sales tax on Incidental/Unincorporated Equipment)	\$0.00
4. Direct Administrative Cost	SEE GENERAL CONDITIONS SPREADSHEET
5. Sub-Total	\$16,320.00
6. Overhead on Self-Perform (5%)	\$816.00
7. Sub-Total	\$17,136.00
8. Profit on Self-Perform (5%)	\$856.80
9. Total Prime Contractor's Work	\$17,992.80

SUBCONTRACTOR'S WORK

SUBCONTRACTOR: <i>Jervis B. Webb</i>	Proposal #:
--------------------------------------	-------------

1. Labor (Including fringes and taxes)	\$0.00
2. Material (Including sales tax on Incidental/Unincorporated Material)	\$0.00
3. Equipment (Including sales tax on Incidental/Unincorporated Equipment)	\$0.00
4. Subtotal	\$0.00
5. Prime Sub-Contractors Overhead on Self-Perform (5%)	\$0.00
6. Sub-Total	\$0.00
7. Prime Sub-Contractors Profit on Self-Perform (5%)	\$0.00
8. Total Prime Sub- Contractor's Work	\$0.00
9. Total Tier Sub- Contractors Work	\$0.00
10. Prime Sub- Contractor's Mark-Up (5%)	\$0.00
11. Subtotal	\$0.00
12. Total Prime + Tier	\$0.00
13. Bond	1% \$0.00
14. Total Subcontractor's Work	\$3,907,781.00

SUBCONTRACTOR: <i>Fisk Electric</i>	Proposal #:
-------------------------------------	-------------

1. Labor (Including fringes and taxes)	\$30,075.00
2. Material (Including sales tax on Incidental/Unincorporated Material)	\$11,343.00
3. Equipment (Including sales tax on Incidental/Unincorporated Equipment)	\$5,500.00
4. Subtotal	\$46,918.00
5. Prime Sub-Contractors Overhead on Self-Perform (15%)	\$7,037.70
6. Sub-Total	\$53,955.70
7. Prime Sub-Contractors Profit on Self-Perform (10%)	\$5,395.57
8. Total Prime Sub- Contractor's Work	\$59,351.27
9. Total Tier Sub- Contractors Work	\$0.00
10. Prime Sub- Contractor's Mark-Up (5%)	\$0.00
11. Subtotal	\$0.00
12. Total Prime + Tier	\$59,351.27
13. Bond	1% \$593.51
14. Total Subcontractor's Work	\$59,944.78

Clark/Byrne CE No. 810003	Owner Ref. No. 0		
---------------------------	------------------	--	--

SUBCONTRACTOR: Brandt Engineering	Proposal #:
-----------------------------------	-------------

1 . Labor (Including fringes and taxes)	\$12,219.28
2 . Material (Including sales tax on Incidental/Unincorporated Material)	\$90.00
3 . Equipment (Including sales tax on Incidental/Unincorporated Equipment)	\$0.00
4 . Subtotal	\$12,309.28
5 . Prime Sub-Contractors Overhead on Self-Perform (15%)	\$1,846.39
6 . Sub-Total	\$14,155.67
7 . Prime Sub-Contractors Profit on Self-Perform (10%)	\$1,415.57
8 . Total Prime Sub- Contractor's Work	\$15,571.24
9 . Total Tier Sub- Contractors Work	\$66,226.00
10 . Prime Sub- Contractor's Mark-Up (10%)	\$6,622.60
11 . Subtotal	\$72,848.60
12 . Total Prime + Tier	\$88,419.84
13 . Bond	1% \$884.20
14 . Total Subcontractor's Work	\$89,304.04

SUBCONTRACTOR: Patriot Erectors	Proposal #:
---------------------------------	-------------

1 . Labor (Including fringes and taxes)	\$27,521.32
2 . Material (Including sales tax on Incidental/Unincorporated Material)	\$20,267.14
3 . Equipment (Including sales tax on Incidental/Unincorporated Equipment)	\$696.60
4 . Subtotal	\$48,485.06
5 . Prime Sub-Contractors Overhead on Self-Perform (10%)	\$4,848.51
6 . Sub-Total	\$53,333.57
7 . Prime Sub-Contractors Profit on Self-Perform (5%)	\$2,666.68
8 . Total Prime Sub- Contractor's Work	\$56,000.24
9 . Total Tier Sub- Contractors Work	\$17,259.64
10 . Prime Sub- Contractor's Mark-Up (5%)	\$862.98
11 . Subtotal	\$74,122.87
12 . Total Prime + Tier	\$74,122.87
13 . Bond	1% \$741.23
14 . Total Subcontractor's Work	\$74,864.09

SUBCONTRACTOR: Urban Concrete	Proposal #:
-------------------------------	-------------

1 . Labor (Including fringes and taxes)	\$5,143.10
2 . Material (Including sales tax on Incidental/Unincorporated Material)	\$12,394.10
3 . Equipment (Including sales tax on Incidental/Unincorporated Equipment)	\$2,192.50
4 . Subtotal	\$19,729.70
5 . Prime Sub-Contractors Overhead on Self-Perform (15%)	\$2,959.46
6 . Sub-Total	\$22,689.16
7 . Prime Sub-Contractors Profit on Self-Perform (10%)	\$2,268.92
8 . Total Prime Sub- Contractor's Work	\$24,958.07
9 . Total Tier Sub- Contractors Work	\$711.11
10 . Prime Sub- Contractor's Mark-Up (10%)	\$711.11
11 . Subtotal	\$782.22
12 . Total Prime + Tier	\$25,740.29
13 . Bond	1.5% \$386.10
14 . Total Subcontractor's Work	\$26,126.40

SUBCONTRACTOR: Finish Allowance for carpet at ticketing, ceiling tile at new enrousel, mobile control room	Proposal #:
--	-------------

1 . Labor (Including fringes and taxes)	\$0.00
2 . Material (Including sales tax on Incidental/Unincorporated Material)	\$0.00
3 . Equipment (Including sales tax on Incidental/Unincorporated Equipment)	\$0.00
4 . Subtotal	\$0.00
5 . Prime Sub-Contractors Overhead on Self-Perform (5%)	\$0.00
6 . Sub-Total	\$0.00
7 . Prime Sub-Contractors Profit on Self-Perform (5%)	\$0.00
8 . Total Prime Sub- Contractor's Work	\$0.00
9 . Total Tier Sub- Contractors Work	\$0.00
10 . Prime Sub- Contractor's Mark-Up (5%)	\$0.00
11 . Subtotal	\$0.00
12 . Total Prime + Tier	\$0.00
13 . Bond	1% \$0.00
14 . Total Subcontractor's Work	\$0.00

SUBCONTRACTOR: 0	Proposal #:
------------------	-------------

1 . Labor (Including fringes and taxes)	\$0.00
2 . Material (Including sales tax on Incidental/Unincorporated Material)	\$0.00
3 . Equipment (Including sales tax on Incidental/Unincorporated Equipment)	\$0.00
4 . Subtotal	\$0.00
5 . Prime Sub-Contractors Overhead on Self-Perform (5%)	\$0.00
6 . Sub-Total	\$0.00
7 . Prime Sub-Contractors Profit on Self-Perform (5%)	\$0.00
8 . Total Prime Sub- Contractor's Work	\$0.00
9 . Total Tier Sub- Contractors Work	\$0.00
10 . Prime Sub- Contractor's Mark-Up (5%)	\$0.00
11 . Subtotal	\$0.00
12 . Total Prime + Tier	\$0.00
13 . Bond	1% \$0.00
14 . Total Subcontractor's Work	\$0.00

SUBCONTRACTOR: 0	Proposal #:
------------------	-------------

1 . Labor (Including fringes and taxes)	\$0.00
2 . Material (Including sales tax on Incidental/Unincorporated Material)	\$0.00
3 . Equipment (Including sales tax on Incidental/Unincorporated Equipment)	\$0.00
4 . Subtotal	\$0.00
5 . Prime Sub-Contractors Overhead on Self-Perform (5%)	\$0.00
6 . Sub-Total	\$0.00
7 . Prime Sub-Contractors Profit on Self-Perform (5%)	\$0.00
8 . Total Prime Sub- Contractor's Work	\$0.00
9 . Total Tier Sub- Contractors Work	\$0.00
10 . Prime Sub- Contractor's Mark-Up (5%)	\$0.00
11 . Subtotal	\$0.00
12 . Total Prime + Tier	\$0.00
13 . Bond	1% \$0.00
14 . Total Subcontractor's Work	\$0.00